

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action. The Official Action maintains and makes final the earlier restriction requirement. Applicant has canceled non-elected claims 8-32.

The Official Action rejects claims 1 and 3-7 under 35 USC §102(e) as being anticipated by TARARA et al. (US 6,565,885). The Official Action notes, however, that claim 2 is allowable but for its dependence from rejected base claim 1.

Applicant maintains the position taken thus far during prosecution as to the failure of the known prior art to either anticipate or render obvious the invention of the claims pending prior to this amendment. This is specifically so with respect to claim 5, which recites an electro-dose having a height less than 800  $\mu\text{m}$ .

The identified passage in the applied reference only discusses the mean volume particle diameter ranging from 1.52 to 4.91  $\mu\text{m}$ . There is no teaching whatsoever with respect to the volume or height of the dose, as no disclosure is provided regarding the number of layers of particles in such a dose. This missing information is the only way to proceed from a mean volume particle diameter to a dose height.

However, for the purpose of advancing prosecution, applicant has amended independent claim 1 to incorporate the pertinent features of allowable claim 2. This amendment,

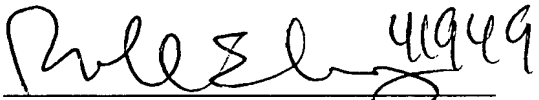
together with the cancellation of claims 2-4 and non-elected claims 8-32, should put the present application in condition for immediate allowance. An early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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EJ/mjr  
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